

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAURICE JILES,
 Plaintiff,

v.

WARDEN WILLIAMS et al.,
 Defendants.

2:16-cv-01118-JCM-NJK

ORDER

I. DISCUSSION

On December 27, 2016, the Court entered a screening order permitting the due process and state law claims to proceed against Defendant Nunez. (ECF No. 2 at 4-5). The Court stayed the case for ninety (90) days to give the parties an opportunity to settle their dispute. (*Id.* at 5). The Court directed the Attorney General's Office to advise the Court whether it would enter a limited notice of appearance on behalf of the defendant for the purpose of settlement. (*Id.* at 6).

On January 18, 2017, the Attorney General's Office stated that it was unable to enter a limited notice of appearance at this time. (ECF No. 5 at 1). The Attorney General's Office stated that the only remaining defendant in this case was a correctional officer named "Nunez." (*Id.*) According to the Attorney General's Office, there were no current employees named Nunez at the Nevada Department of Corrections ("NDOC"). (*Id.*) Additionally, the Attorney General's Office stated that there were former officers named Nunez but that it could not determine which Nunez Plaintiff was referencing in his complaint. (*Id.*) The Attorney General's Office suggested that the Court grant Plaintiff the ability to conduct limited discovery to ascertain the identity of "Nunez." (*Id.* at 2).

1 Plaintiff shall be allowed to conduct limited pre-service discovery in an effort to ascertain
2 the true identity of Defendant Nunez. The Attorney General's Office is directed to enter a
3 limited appearance in this action for the purpose of responding to the discovery discussed
4 herein. Plaintiff will be permitted to serve three (3) interrogatories on the Attorney General's
5 Office in order to discover the identity of the Nunez described in Plaintiff's complaint. If
6 Plaintiff and the Attorney General's Office learn the identity the Nunez who allegedly violated
7 Plaintiff's rights, the Attorney General's Office shall enter a limited notice of appearance on
8 behalf of Defendant Nunez for the purpose of settlement in compliance with this Court's
9 screening order (ECF No. 2).

10 **II. CONCLUSION**

11 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall
12 electronically **SERVE** a copy of this order on the Office of the Attorney General of the State
13 of Nevada, attention Kat Howe.

14 IT IS FURTHER ORDERED that the Attorney General's Office shall enter a limited
15 notice of appearance within seven (7) days on behalf of defendant for the limited purpose of
16 conducting limited pre-service discovery in an effort to ascertain the true identity of Defendant
17 Nunez.

18 IT IS FURTHER ORDERED that Plaintiff will be permitted to serve three (3)
19 interrogatories on the Attorney General's Office in order to discover the true identity of the
20 Nunez identified in Plaintiff's complaint. Plaintiff shall serve his three (3) interrogatories on the
21 Attorney General's Office within thirty (30) days from the date of this order.¹

22 IT IS FURTHER ORDERED that, if Plaintiff and the Attorney General are able to
23 discover the true identity of the Nunez identified in Plaintiff's complaint, the Attorney General's
24 Office shall enter a limited notice of appearance on behalf of Defendant Nunez for the purpose
25 of settlement in compliance with this Court's screening order (ECF No. 2).

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27 ¹ Plaintiff should serve his interrogatories to Frank A. Toddre, II, Nevada Attorney
28 General, Bureau of Litigation, Public Safety Division, 555 E. Washington Ave., Ste. 3900, Las
Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED that, within forty-five (45) days from the date of this order,
2 the Attorney General's Office shall either file a limited notice of appearance on behalf of
3 Defendant Nunez for the purpose of settlement or file a notice informing the Court about the
4 status of Defendant Nunez's identity.

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6 DATED: This 20th day of January, 2017.

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9 NANCY J. KOPPE
10 United States Magistrate Judge
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